THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.2054 of 2000

DATED: 27.06.2007

Between:

P.Srinivasarao .. Petitioner

And

Executive Officer, Gram Panchayat,
Kosur, Kosur Mandal, Guntur District
and another. .. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.2054 of 2000

ORDER:

In this writ petition, the petitioner seeks direction by way of Mandamus to declare the action of the respondents in taking steps to demolish his house bearing No.229/A situated at Kosur Village and Mandal of Guntur District without notice as illegal and arbitrary.

In the affidavit filed in support of the writ petition, the petitioner stated that he is the owner of a residential house bearing No.229/A. The petitioner further stated that he purchased the land admeasuring 200 sq. yards through a registered sale deed in the year 1969 and constructed the said house therein after obtaining approved plan from the legal authority i.e., Gram Panchayat, in the year 1994. It is the grievance of the petitioner that though he has constructed a house as per the sanctioned plan, the respondents are taking steps for demolition of his house for the public purpose of laying a road, without any authority of law. It is further stated in the affidavit that without initiating any proceedings under the Land Acquisition Act, the respondents are trying to deprive the petitioner of his lawful property.

At the stage of admission, this Court granted interim orders on 10.02.2000.

Though the writ petition is of the year 2000, no counter affidavit is filed and there is also no representation on behalf of the

respondents.

As much as it is pleaded that the property in question is a private property and the said house is constructed as per the approved plan of the Gram Panchayat, I dispose of the writ petition directing the respondents not to demolish the house of the petitioner or to deprive him of his property, as otherwise, under due process of law.

However, it is made clear that if any portion of the petitioner's property is under encroachment, it is open for the respondents to take steps in accordance with law.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

27.06.2007

v v